

## REMARKS

Applicant wishes to thank Examiner Krass for pointing out the informalities in the Oath, Abstract and claims. By the present Amendment, Applicant has addressed each of these informalities. A data sheet containing the last known city and state of residence of each inventor is enclosed. The Abstract has been amended into a single paragraph, and the intermediate period in the third-to-last line of claim 11 has been replaced with a comma.

With respect to the duplicate claim warnings, claim 14 has been deleted. With respect to claims 10 and 11, Applicant wishes to respectfully point out that claim 10, which is dependent on original claim 8, also requires that the adhering step is performed a plurality of times during a single day. Claim 11 does not have this limitation. The dependency in original claim 8 has been corrected so that claim 8 depends upon claim 7.

With respect to the rejection of claims 1-14 under 35 U.S.C. § 103 as being unpatentable over the '549 patent to Lewandowski in view of U.S. Patent No. '298 to Leung et al., Applicant respectfully requests reconsideration. The primary reference relied upon, namely the '549 Lewandowski patent teaches that:

“...research conducted by the inventor [ ] has lead to the counterintuitive result that ingestion of raw garlic ***powder*** by dogs largely eliminates the bad breath-both local (in the mouth cavity) and systemic-that the subject animals otherwise regularly manifested.”

(See column 2, lines 35-39.) Lewandowski teaches that previously known products, wherein the garlic had been encapsulated or otherwise compressed within a pill or

capsule, will not aid in the control of bad breath emanating locally from the oral and nasal cavities (see column 2 lines 50-67). Therefore, when properly read in its entirety, the Lewandowski patent teaches against encapsulating raw garlic in any form.

Moreover, it is abundantly clear that the '549 patent is directed specifically and exclusively to pets, i.e. non-human mammals. Lewandowski clearly distinguishes between the effects of garlic on humans and non-humans and specifically directs her invention to non-human mammals. As noted above Lewandowski states

“the present invention arose from domestic canine feeding research conducted by the inventor and has lead *to the counterintuitive result* that ingestion of raw garlic powder by dogs largely eliminates the bad breath ...”

(See column 2 lines 34-37). Presumably, the use of garlic powder was counterintuitive because of garlic's known effects on the breath of humans.

Lewandowski further discussed the problem of “garlic-breath” in human beings after consuming garlic and notes that various products exist to counter the malodorous effects of garlic on human breath. (See column 3, paragraph 1). Thus, there is no question that the teaching of Lewandowski is limited to non-human mammals.

The '298 Leung et al. edible films are said to encapsulate the essential oils within the film-forming matrix. (See column 10, line 64 to column 11 line 3). To the contrary, the Lewandowski patent specifically teaches that the essential oils are *not* encapsulated. Moreover, the disclosure of the '298 Leung et al. patent is crystal clear in that the disclosed dissolvable films are intended for humans. See, for example, the statement that

**“Subjects refrained from smoking on mornings prior to the odor evaluations.”** (See the discussion of experimental procedures on column 9, particularly, column 9, lines 19-20). Clearly, Leung et al. is not referring to pets or other non-human mammals.

In summary, Applicant respectfully submits that the secondary reference differs from Applicant’s claimed invention not only in insofar as the secondary reference relates only to humans, but also in that the primary reference specifically teaches that encapsulation of the garlic powder is not proper while Leung et al. teaches encapsulation of their disclosed essential oils. Therefore, the Lewandowski and Leung et al. patents would not be properly combined by one of ordinary skill in the art who properly reviewed the full disclosures of each of these references.

Applicant also respectfully requests reconsideration of the rejection of claims 1-14 under 35 U.S.C. §103 as being unpatentable over the ‘298 patent to Leung et al. in view of the ‘237 patent to Gould et al. Where Leung is directed to fast dissolving orally consumable films, the ‘237 patent to Gould et al. is directed to delivery systems which provide controlled “zero order” release of pharmaceutically active compounds. The purpose and nature of these patents, as clearly indicated in their titles and, moreover, in their disclosures is exactly opposite. Where the ‘298 Leung et al. patent is directed to a film which dissolves fast, the ‘237 Gould et al. patent is directed to long term release. For this purpose, Gould et al. provides a diffusion barrier film (layer 14) to or around an inner drug bearing layer (12). Therefore, these references are also not properly combinable and would surely not have lead one of ordinary skill in the art to Applicant’s claimed method of treating an illness in a *non-human* mammal.

## CONCLUSION

Applicant respectfully submits that all pending claims as amended are now in condition for allowance. If the Examiner has any questions or comments which might expedite the prosecution of the present application, he is respectfully invited to contact the Applicant's attorney on the phone number set forth below.

Respectfully submitted,

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Enclosures: Request for Extension of Time  
PTO-2038 form  
Abstract  
Application Data Sheet

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